Legal Notice No. ---

REPUBLIC OF TRINIDAD AND TOBAGO

THE ENVIRONMENTAL MANAGEMENT ACT, 2000

RULES

MADE BY THE MINISTER UNDER SECTION 26 OF THE ENVIRONMENTAL MANAGEMENT ACT, 2000, AFTER COMPLIANCE WITH SECTIONS 27 AND 28 OF THE SAID ACT

THE WASTE MANAGEMENT RULES, 2008

PART I
PRELIMINARY

Citation

1. These Rules may be cited as the Waste Management Rules, 2008.

Interpretation

2. (1) In these Rules:

"Act" means the Environmental Management Act, 2000;

"Authority" means the Environmental Management Authority established under section 36(1) of the Act;

"acute hazardous waste" means hazardous waste liable to cause death, disease, serious injury or harm to human health if swallowed or inhaled by or coming into contact with the skin of a human being;

"after-care" in relation to disposal sites includes the after-care of a site that is still in operation as well as a site which is no longer in operation;

"approved site or facility" means a site or facility for the disposal of hazardous wastes or other wastes which is licensed, authorized or permitted to operate for this purpose under and in accordance with these Rules and any other applicable written law;

"Basel Convention" means the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, signed at Basel on 22nd day of March 1989, as amended from time to time;

"carrier" means any person who carries out the transport of hazardous or other wastes;

"CESQG" means Conditionally Exempt Small Quantity Generator, as defined by Rule 9(1);

"collection" includes the environmentally sound mixing, bulking, sorting and interim storage of hazardous or other wastes, including those generated in small quantities, at an approved site or facility;

"discard" in relation to waste means to dispose of on, over or under land or into the atmosphere or the waters of Trinidad and Tobago;

"dispose" means to discharge, deposit, inject, dump, release, spill, leak or place hazardous or other waste so that such waste or any constituent thereof may enter the environment, directly or indirectly;

"disposal operations" includes the:

(a) deposition of wastes into or on to land, including:

(i) land treatment;

(ii) surface impoundment;

(iii) landfilling; and

(iv) deep injection;

(b) incineration of wastes on land or at sea;

(c) release of wastes into watercourses, water bodies or the sea;

(d) biological or physic-chemical treatment of wastes which results in final compounds or mixtures which are discarded by means of evaporation, drying, calcinations, neutralization or precipitation; and

(e) permanent storage of wastes.

"environment" has the meaning assigned to it by the Act;

"environmentally sound management" means taking all practicable steps to ensure that hazardous or other wastes are managed in a manner which will protect human health and the environment against the adverse effects that may result from such wastes;

"exporter" means any person in Trinidad and Tobago who arranges for hazardous or other wastes to be exported from Trinidad and Tobago;

"generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession or control of those wastes;

"handling" in relation to any hazardous waste has the meaning assigned to it by the Act;

"hazardous substance" has the meaning assigned to it by the Act;

"hazardous waste" means a waste designated as such by Rule 3;

"importer" means any person in Trinidad and Tobago who arranges for hazardous or other wastes to be imported into Trinidad and Tobago;

"illegal traffic" means any export from or import into Trinidad and Tobago of hazardous or other wastes contrary to the provisions of the Act, these Rules and any other written law;

"management" in relation to hazardous or other wastes includes the collection, transportation, treatment and disposal of such wastes, including the after-care of disposal sites;

"material intended to be discarded" includes any substance or thing which constitutes a residue or scrap material or unwanted surplus matter resulting from any use or process carried on any premises and not intended to be put forthwith to any further use or process on the same premises;

"licence" means a licence to operate a waste handling facility granted by the Authority pursuant to Rule 15;

"LQG" means a Large Quantity Generator, as defined by Rule 9(1);

"permit" means a permit to handle wastes granted by the Authority pursuant to Rule 12;

"person" has the meaning assigned to it by the Act;

"premises" has the meaning assigned to it by the Act;

"process" has the meaning assigned to it by the Act;

"radioactive material" means any article containing a radioactive substance giving it a specific radioactivity exceeding 100 kilobecquerals per kilogram and [or?] a total radioactivity exceeding 3 kilobecquerals;

"release" has the meaning assigned to it by the Act;

"storage" means the temporary holding of hazardous or other waste on premises for a period of time not exceeding that specified in Rule 9(4) and any extension of that time granted by the Authority, by or before the expiry of which the waste is treated or disposed of on those premises or transported from those premises to another place;

"SQG" means Small Quantity Generator, as defined in Rule 9(1);

"transit" movement of hazardous or other wastes to or from another State of export or import through Trinidad and Tobago;

"treatment" includes any physical, thermal, chemical or biological process (including sorting) that changes the composition or characteristics of waste in order to reduce its volume, change its nature, facilitate its handling or enhance recovery;

"transportation" means the carriage of waste from the premises or place on or at which it is generated, imported or stored to another place for storage, treatment, disposal or export;

"waste" has the meaning assigned to it by the Act;

"waste handling facility" includes any facility for the storage, treatment or disposal of hazardous or other wastes.

Definition of Hazardous Waste

3. (1) For the purposes of these Rules, hazardous waste includes any waste comprised of or containing radioactive material or any hazardous substance and any other waste that:

(a) belongs to any category listed in Part A of the First Schedule; or

(b) has any of the hazardous characteristics listed in Part C of the First Schedule.

(2) Waste belonging to a category listed in Part B of the First Schedule is not hazardous waste within the meaning of these Rules, unless that waste possesses one or more of the hazardous characteristics listed in Part C of the First Schedule.

Waste Prohibitions

4. (1) Subject to sub-rule (2), no person must mix different categories of hazardous wastes or mix any hazardous waste with non-hazardous waste.

(2) Where the Authority considers that the mixture of different categories of hazardous waste or of hazardous wastes with non-hazardous wastes enhances safety in the handling or disposal of any hazardous waste, the Authority may by permit in writing authorize the mixing of such wastes, subject to such conditions as it thinks fit.

Duty of Care

5. (1) Subject to these Rules, it is the duty of a person who generates, handles or disposes of any hazardous waste or other waste to take all such measures applicable thereto as are reasonable in the circumstances:

(a) to comply with the provisions of these Rules, the Act and any other written law concerning the handling and disposal of wastes;

(b) to prevent any contravention of these Rules, the Act or any other written law concerning the handling and disposal of wastes, by another person;

(c) to prevent the escape of any hazardous waste from any premises or vehicle under that person's control or the control of any other person; and

(d) on the transfer of hazardous waste, to ensure that the transfer is only to a person who is the holder of a waste handling permit or a waste facility licence.

(2) Nothing in these Rules must be construed to prevent anyone being prosecuted under any other law for an act or omission which constitutes a breach of these Rules, or from being liable under that other law to any greater punishment or higher penalty than is provided by the Act, provided that no one is punished twice for the same offence.

(3) Nothing in these Rules takes away or limits the right of the State or any person to sue for and recover, at common law or otherwise, compensation or any other appropriate remedy or relief against nuisance or in respect of any damage or injury caused by any act or omission for which enforcement action may be taken under these Rules.

PART II
REGISTRATION

Registration of generators

6. (1) Every person who, when these Rules come into force, is a generator of hazardous waste must submit to the Authority, within six months of the enactment of these Rules, an application for registration as a generator with respect to each premises where such wastes are generated.

(2) Every person who, after the coming into force of these Rules, proposes to engage in any activity or process which will result in the generation of hazardous waste, must submit to the Authority an application for registration as a generator with respect to each premises where such wastes are to be generated, 45 working days prior to the commencement of any such activity or process.

(3) Every such application for registration must be submitted, together with proof of payment of the prescribed application fee, in such form as the Authority may specify, and state the following particulars:

(a) with respect to the identity of the generator and the location of the premises:

(i) where the applicant is an individual, the full name and mailing address of the individual;

(ii) where the applicant is a company incorporated or registered under the Companies Act, the registered name and (if the company is not incorporated in Trinidad and Tobago) the place of incorporation of the company, the address of its registered or principal office in Trinidad and Tobago, the nature of its business, the relationship of the applicant to any parent or subsidiary operations, and the names and addresses of the directors and secretary or equivalent officers of the company;

(iii) where the applicant is an entity other than an individual or a company incorporated or registered under the Companies Act, the name and mailing address of the entity, the nature of its business and the names and addresses of the principals, directors or equivalent officers;

(iv) the geographical location of the premises, as described by a lot or parcel or mileage mark number, street name, district, town or village, and such other means as the Authority may require; and

(v) the name, address and telephone number of the person designated by the applicant as the person to be contacted with respect to the application, the overall management of wastes on the subject premises and in the event of an emergency;

(b) with respect to the nature and quantity of the waste to be generated:

(i) a general description of the waste generating activities or process undertaken or to be undertaken on the premises, including where applicable generic process descriptions, inputs, outputs and by-products, the estimated volume of wastes produced or to be each month or, if the waste is generated in batches, the amount in each batch and the number of batches in each month;

(ii) a general description of the wastes generated or to be generated, including particulars of the physical state, colour, principal components, contaminants and concentrations thereof;

(iii) the hazardous characteristics of the waste;

(iv) the identity of the laboratory used to perform the analyses required to characterize the wastes generated, if any, indicating whether it is an independent laboratory;

(v) if data has been estimated and is not based on laboratory analyses of the subject wastes, the basis for the estimate, indentifying the reference texts or documentary records which have been utilized; and

(c) with respect to the management of the waste, the names and addresses of the principal persons who will be responsible for the collection, transportation and disposal of hazardous wastes from the premises.

(4) Where the applicant is a company, the applicant must supply the Authority with a certified copy of the company's Certificate of Registration.

(5) The application must be signed, in any case where the applicant is a company, by the chief executive officer and in other cases by the person who is the owner or, where the owner is not the occupier, the occupier of the premises on which the activity or process generating the waste is being or to be carried out.

Registration certificate

7. (1) Within 10 working days of receipt of an application for registration, the Authority must issue to the applicant a notice:

(a) acknowledging receipt of the application form;

(b) notifying the applicant whether any of the information required by the form is incomplete or in need of clarification;

(c) requesting any further information the Authority may reasonably require in order to process the application; and

(d) specifying a time for the submission of any such information.

(2) Within 20 working days of receipt of an application for registration or, where further information is required to complete or supplement the application, of the receipt of such information, the Authority must issue to the applicant a certificate of registration as a waste generator with respect to the subject premises, containing a unique identification number.

(3) Every certificate of registration is valid and endures for a period of three years from the date of issue, but may be renewed for further periods of three years each, upon the submission of a fresh application for registration to the Authority not less than 20 working days before the date of expiry of the certificate in force.

(4) After a certificate of registration is issued to the generator, the Authority may conduct a detailed post-registration review of the wastes generated on the subject premises and, if those wastes are found to have been inaccurately characterised or described on the application form for registration, the Authority may amend the generator's registration record by adding the new information derived from the post-registration review to the information supplied by the generator on the application form, and may, if it considers this to be necessary or expedient, recall and modify or cancel the certificate of registration accordingly.

(5) The provision of inaccurate information on an application for registration as a generator of hazardous waste, with the intention of deceiving or misleading the Authority or for the purpose of evading any of the provisions of these Rules, is an offence liable on summary prosecution to a fine of [100,000] dollars.

Supplemental Registration

8. (1) The generator must submit a supplementary registration form to the Authority if, during the period when a certificate of registration is in force, any of the following changes take place with respect to the characteristics of the generator or the hazardous wastes generated on the subject premises:

(a) if the generator is a body corporate or legal person, any change in:

(i) the generator's name, registered or principal address or telephone number; or

(ii) the officer or employee designated on the original application form as the person to be contacted with respect to the application, the overall management of wastes on the subject premises and in the event of an emergency; and

(b) in any case, if there is any significant change in the volume or characteristics of the waste generated on the premises.

(2) A supplementary registration form must be submitted to the Authority within 15 working days of the date on which the relevant change takes place.

(3) For the avoidance of doubt, it is declared that failure by a generator to submit a supplementary registration form within the time prescribed in sub-rule (2), contrary to section 62(l) of the Act, is a violation of an environmental requirement to which the compliance and enforcement provisions of Part VI of the Act apply.

Categories of generators

9. (1) For the purposes of these Rules, every generator of hazardous waste is classified into one of the three following categories:

(a) a Large Quantity Generator (LQG), if more than 1000 kilograms of hazardous wastes per calendar month are generated on the premises;

(b) a Small Quantity Generator (SQG), if between 100 kilograms and 1000 kilograms of hazardous wastes per calendar month are generated on the premises; or

(c) a Conditionally Exempt Small Quantity Generator (CESQG), if less than 100 kilograms of hazardous wastes per calendar month are generated on the premises.

(2) Any generator who generates 1 kilogram or more of acute hazardous wastes in any month or who accumulates on any premises more than 1 kilogram of

acute hazardous wastes at any time, without regard to the rate of hazardous waste generation, is subject to all the requirements applicable to a LQG.

(3) Where the quantity of hazardous waste or acute hazardous waste generated on the premises varies from month to month in such a way as to change the category into which the generator is classified, the generator must comply from time to time with the particular requirements governing the category into which the premises falls at the material time.

(4) Generators are subject to the following quantity and time limits with regard to the accumulation of hazardous wastes on their premises, according to the category into which they are classified:

(a) LQGs may accumulate more than 6000 kilograms of hazardous waste on premises at any time and store such wastes thereon for a period of up to 90 days;

(b) SQGs may accumulate 1000 to 6000 kilograms of hazardous waste on premises at any time and store such wastes thereon for a period of up to 180 days;

(c) CESQGs may accumulate less than 1000 kilograms of hazardous wastes on premises at any time and store such wastes thereon for a period of up to one year.

(5) If any generator accumulates on any premises a quantity of hazardous wastes in excess of the amount, or stores such wastes for a time in excess of the period, prescribed in sub-regulation (4), without the prior written consent of the Authority, the premises are deemed to be a hazardous waste storage facility subject to the provisions of these Rules governing the establishment and operations of such facilities, including the requirement to obtain a [hazardous waste handing] permit.

Obligations of generators

10. (1) All generators of hazardous wastes must ensure that such wastes are properly handled on their premises and that such wastes are collected from their premises, transported, stored, treated and disposed of only by persons who are authorised to handle and dispose of hazardous waste pursuant to these Rules.

(2) In order to determine which standards are applicable to them with respect to particular premises, every generator must identify each waste that is generated on those premises, determine whether any such wastes are hazardous wastes as defined by Rule 3, and weigh and compute the total weight of such wastes generated on a monthly basis, in order to determine whether with respect to the subject premises they are classified as a LQG, SQG or CESQG for the purposes of these Rules.

(3) A LQG who is allowed to accumulate more than 6000 kilograms of hazardous waste on premises at any time and store such wastes thereon for a period of up to 90 days must:

(a) place the hazardous waste in appropriate containers, tanks or containment buildings;

(b) clearly mark any such containers, tanks or buildings in which hazardous wastes are stored with the words “Hazardous Wastes”;

(c) keep any hazardous waste containers closed and mark them with the date on which the accumulation begins;

(d) ensure that the hazardous waste is removed from the premises within 90 days after the date on which accumulation begins;

(e) have in effect a formal written emergency response, counter-measures and clean-up contingency plan, in the event of an accidental spill or other release of or other incident with respect to the hazardous wastes stored on the premises; and

(f) establish a training programme for employees to adequately train all personnel working on the premises in the proper handling of hazardous wastes.

(4) A SQG who is allowed to accumulate 1000 to 6000 kilograms of hazardous waste on premises at any time and store such wastes thereon for a period of up to 180 days must:

(a) place the hazardous waste in appropriate containers or tanks;

(b) clearly mark any such containers or tanks in which hazardous wastes are stored with the words “Hazardous Wastes”;

(c) keep any hazardous waste containers closed and mark them with the date on which the accumulation begins;

(d) ensure that the hazardous waste is removed from the premises within 180 days after the date on which accumulation begins;

(e) have a designated emergency coordinator on the premises or on call at all times and have basic safety information readily accessible on the premises;

(f) ensure that employees handling hazardous wastes on the premises are familiar with proper handling and emergency procedures.

(5) Prior to transporting any hazardous wastes off the premises or handing such wastes over to any carrier for transportation off the premises, every generator must ensure that:

(a) the hazardous waste is properly packaged so as to prevent any leakage under normal transport conditions or potentially dangerous situations, including but not limited to shaking, shifting or falling of the package during transportation; and

(b) the packages are properly labelled or marked so as to identify the characteristics of the wastes and the dangers associated with its transportation.

(6) At least once in every three years, a LQG must compile and submit an activity report to the Authority containing:

(a) the amount and types of hazardous wastes generated during the period;

(b) the quantity of each type of hazardous waste transported off the premises for disposal;

(c) a description of the steps taken during the reporting period to reduce the volume and toxicity of the wastes generated on the premises;

(d) a description of the changes in the volume and toxicity of wastes actually achieved during the reporting period in comparison to previous periods; and

(e) a certificate signed by the generator or authorized representative.

(7) A generator must keep copies of all hazardous waste records for a period of not less than 5 years after:

(a) in the cases of activity and exception reports, the due date of the report;

(b) in the case of signed copies of manifests returned to the generator, the date on which the hazardous waste is transported off the premises of origin (provided that the original manifest must be kept until the signed manifest is returned to the generator);

(c) in the case of records of waste analyses and determinations carried out by the generator, the date when the hazardous waste was sent to a treatment, storage or disposal facility on or off of the premises of origin.

(8) For the avoidance of doubt, it is declared that SQG are subject to all the reporting requirements imposed on generators by this Rule, except the requirement to submit activity reports to the Authority.

Conditional Exemption

11. CESQGs are not subject to the requirements of these Rules relating to the registration of generators, tracking of hazardous wastes, record-keeping and reporting to the Authority, provided that they:

(a) identify their wastes in accordance with Rule 10(2);

(b) comply with the limitations of the quantity of waste which may be accumulated on the premises as prescribed by Rule 9(4)(c); and

(c) ensure that all hazardous wastes they generate are properly handled and disposed of by authorised waste handling and disposal facilities.

PART III
WASTE PERMITS AND LICENSES

Waste handling permits

12. (1) Subject to sub-rule (2), no person, including a Local Authority, must carry out any activity related to the storage, treatment or disposal of hazardous wastes without a waste handling permit granted in accordance with these Rules.

(2) A generator is not required to have a waste handling permit if the generator:

(a) packages hazardous wastes on the premises on which the waste is generated;

(b) stores hazardous waste on the premises on which the waste was generated for less than the relevant period specified in Rule 9(4).; or

(c) puts any residue or scrap material or unwanted surplus matter resulting from any process carried on any premises to any further use or process on the same premises.

Application for a permit

13. (1) Every person, including a Local Authority, who is carrying out activities for the storage, treatment or disposal of hazardous waste when these Rules come into force, must submit to the Authority an application for a waste handling permit within six months of the enactment of these Rules.

(2) Any person, including a Local Authority, who proposes to carry out activities for the storage, treatment or disposal of hazardous waste, after the coming into force of these Rules, must submit to the Authority an application for a waste handling permit, at least three months before the date on which it is proposed that such operations will commence.

(3) Every such application must be submitted, together with proof of payment of the prescribed application fee, in such form as the Authority may specify, and state the following particulars:

(a) with respect to the identity of the applicant:

(i) where the applicant is an individual, the full name and mailing address of the individual;

(ii) where the applicant is a company incorporated or registered under the Companies Act, the registered name and (if the company is not incorporated in Trinidad and Tobago) the place of incorporation of the company, the address of its registered or principal office in Trinidad and Tobago, the nature of its business, the relationship of the applicant to any parent or subsidiary operations, and the names and addresses of the directors and secretary or equivalent officers of the company;

(iii) where the applicant is an entity other than an individual or a company incorporated or registered under the Companies Act, the name and mailing address of the entity, the nature of its business and the names and addresses of the principals, directors or equivalent officers; and

(iv) the name, address and telephone number of the person designated by the applicant as the person to be contacted with respect to the application, the overall management of wastes on the subject premises and in the event of an emergency;

(b) with respect to the nature of the waste handling activities to be carried out by the applicant:

(i) a general description of the waste handling activities to be undertaken by the applicant, including where applicable generic process descriptions, inputs, outputs and by-products, the estimated volume of wastes handled or to be handled each month;

(ii) a general description of the wastes handled or to be handled, including particulars of the physical state, colour, principal components, contaminants and concentrations thereof;

(iii) the hazardous characteristics of the waste; and

(c) with respect to any premises on which such activities are to be carried out, the geographical location of the premises, as described by a lot or parcel number or mileage mark, street name, district, town or village, and such other means as the Authority may specify.

(4) Where the applicant is company, the applicant must supply the Authority with a certified copy of the company's Certificate of Registration.

(5) Within 10 working days of receipt of a complete application for a waste handling permit, the Authority must issue to the applicant a notice:

(a) acknowledging receipt of the application;

(b) notifying the applicant whether any of the information required by the form is incomplete or in need of clarification;

(c) requesting such further information as the Authority may reasonably require to process the application; and

(d) if any such further information is requested, specifying the time for submission of that information.

(6) Within 20 working days of receipt of the application for a waste handling permit or, where further information is required to complete or supplement the application, of the receipt of that information, the Authority must issue to the applicant a waste handling permit or a notice of refusal.

(7) A waste handling permit must specify the activities related to the storage, treatment or disposal of hazardous wastes that the holder is permitted to carry out, subject to such terms and conditions as the Authority thinks fit.

(8) Unless previously revoked, varied or suspended, every waste handling permit granted pursuant to this Rule, is valid for a term expiring not later than the end of the calendar year in which it commences, but may be renewed from time to time pursuant to sub-rule (9).

(9) The Authority may, on the application of the holder of a waste handling permit, made not less than 30 days before the expiry thereof, renew the waste handling permit for a term of not more than one calendar year and, when renewing a waste

handling permit the Authority may vary, delete or add to the terms and conditions therein.

(10) For the avoidance of doubt, it is declared that any decision of the Authority to impose terms and conditions on the grant of a waste handling permit, or to refuse to grant or to renew a waste handling permit, may be appealed to the Commission by the applicant pursuant to section 81(5) of the Act.

Transfer of permits

14. (1) A waste handling permit (including a permit which is suspended) may be transferred by the holder to another person with the prior consent of the Authority.

(2) Where the holder desires to transfer a waste handling permit to another person, the holder and the proposed transferee must make a joint application to the Authority for the transfer of the permit.

(3) An application made under sub-rule (2) for the transfer of a waste handling permit must be in such form and include such information as the Authority may determine, and be accompanied by the prescribed fee.

(4) Within 10 working days of the receipt of an application for the transfer of a waste handling permit, the Authority must notify the applicants whether it grants or refuses its consent for the transfer of the permit.

(5) In any case where the Authority refuses to consent to the transfer of a waste handling permit, it must provide the applicants with reasons in writing for that decision.

(6) To effect a transfer of waste handling permit, the Authority must endorse the permit with the name and other particulars of the transferee as the holder from such date specified in the endorsement as may be agreed between the Authority and the applicants.

Waste facility licences

15. (1) No person, including a Local Authority, must establish or, if such a facility existed before the coming into force of these Rules, continue to operate a facility at which any waste handling operations are carried out, including a facility for the handling of waste that is not hazardous, without a waste facility licence granted by the Authority, subject to such terms and conditions as it thinks fit, in accordance with these Rules.

(2) A waste facility licence is granted to the occupier of the premises and, unless revoked, varied, suspended or surrendered, inures for the benefit of the land and of all persons for the time being having an interest in the land, for the period specified in the licence, not exceeding 25 years.

Application for a licence

16. (1) Every application for a waste facility licence must be submitted, together with proof of payment of the prescribed application fee, is such form as the Authority may specify, and state the following particulars:

(a) with respect to the location of the premises and the identity of the occupier of the premises:

(i) the geographical location of the premises, as described by a lot or parcel or mileage mark number, street name, district, town or village, and by means of UTM co-ordinates for the boundary, or such other means as the Authority may specify;

(ii) the full name, mailing address and telephone number of the occupier of the premises;

(iii) if the occupier of the premises is an individual, a copy of that person's National Identification Card or Passport or other photographic evidence of identity;

(iv) if the occupier of the premises is a body corporate, a copy of that body's certificate or instrument of incorporation;

(iii) if the occupier of the premises or, where the occupier of the premises is not the proposed operator of the facility, the operator of the facility is the holder of a waste handling permit, the number and date of issue of that permit;

(iv) a description of the proposed operator's capacity to operate a waste handling facility, including an outline of the entry qualifications and on-the-job training programmes to be adopted to enable their personnel to operate the facility in a safe manner;

(b) with respect to the waste handling operations to be carried out at the facility:

(i) details of the activities to be carried out at the facility, including a description of the processes to be used for handling of any hazardous wastes;

(ii) a description of the design capacity of the facility, including any plant and equipment to be used for handling any hazardous wastes;

(iii) a description of the wastes to be treated, stored or disposed of at the facility, including a chemical and physical (radioactivity) description of any hazardous wastes to be handled, and an estimate of the quantity of all the wastes to be handled annually;

(iv) a topographic map or other comparable means of graphical illustration showing all land within one kilometre of the boundaries of the premises and depicting the layout of any waste treatment, storage and disposal facilities on site and any intake and discharge structures;

(v) a description of the existing environment and potential impacts of the operation of the facility on the environment;

(vi) a description of procedures, structures or equipment to be used at the facility to:

a. prevent hazards in unloading operations;
b. prevent flooding or runoff from hazardous waste handling areas to other areas of the facility or equipment;
c. prevent contamination of water supplies;
d. mitigate the effects of equipment malfunction or failure or power outages;
e. prevent accidental, uncontrolled or undue exposure of personnel to hazardous wastes; and
f. prevent releases of pollutants to the atmosphere;

(vii) a description of the precautions to be taken to prevent spills, accidental ignition or reaction of ignitable, reactive or incompatible wastes;

(viii) a description of the plans for the start up and shut down of operations, maintenance and major malfunctions, including an emergency response plan;

(ix) a description of the anticipated traffic pattern, including the estimated volume and composition of traffic related to the operations of the facility, the existing surface and load bearing condition of the access road to the facility and any existing traffic control measures;

(x) a description of the security measures in place and equipment required to prevent accidental or unauthorized entry on to the premises by persons or livestock;

(xi) a copy of the environmental management plan;

(xii) a copy of the closure plan and, where applicable, the post-closure plan; and

(xiii) details of plans for public consultation; and

(c) if the facility existed before the coming into force of these Rules:

(i) a plan drawn to scale of the entire facility showing the location of all past, present and future treatment, storage and disposal areas;

(ii) photographs of the entire facility delineating all existing structures, existing treatment, storage and disposal areas and sites for future treatment, storage and disposal activities; and

(iii) a detailed schedule for achieving compliance with [existing waste handling standards] within 5 years.

(2) Within 10 working days of receipt of a complete application for a waste facility licence, the Authority must issue to the applicant a notice:

(a) acknowledging receipt of the application;

(b) notifying the applicant whether any of the information required by the form is incomplete or in need of clarification;

(c) requesting such further information as the Authority may reasonably require to process the application; and

(d) if any such further information is requested, specifying the time for submission of that information.

(3) Within 20 working days of receipt of the application for a waste facility licence or, where further information is required to complete or supplement the application, of the receipt of that information, the Authority must issue to the applicant a waste facility licence or a notice of refusal.

(4) A waste facility licence must specify the activities related to the storage, treatment or disposal of wastes, including but not limited to hazardous wastes, that may be carried carry out on the licensed premises, subject to such terms and conditions related to the design, construction, operations, and maintenance of the facility and monitoring of its operations as the Authority thinks fit.

(5) The Authority may not issue a waste facility licence for any use of land for which planning permission is required under the Town and Country Planning Act, unless:

(a) the site is located in an area allocated for such use in the development plan, if any; and

(b) outline planning permission granted by the relevant authority is in force in relation to the use of the land as a waste handling facility.

(6) For the avoidance of doubt, it is declared that any decision of the Authority to impose terms and conditions on the grant of a waste facility licence or to refuse to grant a waste facility licence may be appealed to the Commission by the applicant pursuant to section 81(5) of the Act.

Variation, suspension or revocation of permit or licence

17. (1) On application by the holder, submitted to the Authority together with proof of payment of the prescribed fee, the Authority may vary the terms and conditions to which a waste handling permit or waste facility licence is subject, if it appears to the Authority that the application is supported by an adequate rationale for the requested variation.

(2) On its own initiative, the Authority may vary the terms and conditions to which a waste handling permit or waste facility licence is subject, if it appears to the Authority that:

(a) there has been a significant change in the situation or any activity related to the permit or licence; or

(b) the holder of the permit or licence has died, declared bankruptcy or, in the case of a body corporate, has gone into liquidation or receivership, been wound up or amalgamated with another body corporate.

(3) Where the Authority varies the terms and conditions to which a waste handling permit or waste facility licence is subject pursuant to sub-rule (1) or (2), the Authority must issue an amended permit or licence to the holder.

(4) The Authority may suspend a waste handling permit or waste facility licence if it appears to the Authority that:

(a) this is necessary or expedient to enable the Authority to carry out emergency response activities pursuant to section 25 of the Act; or

(b) there has been another change in the circumstances relating to the permit or licence that justifies a temporary cessation of the

permitted waste handling activities or licensed waste facility operations, as the case may be.

(5) The Authority may revoke a waste handling permit or waste facility licence if it appears to the Authority that:

(a) the holder has made a misrepresentation or wilful omission in application for the permit or licence or in any report submitted to the Authority;

(b) the holder has committed a significant violation of any fundamental term or condition of the permit or licence; or

(c) there has been a change in the circumstances relating to the permit or licence that justifies its revocation.

(6) The Authority may not vary, suspend or revoke a waste handling permit or waste facility licence under this Rule unless the Authority has:

(a) given notice in writing to the holder of its intention to do so;

(b) specified in the notice its reasons for so doing;

(c) given the holder a reasonable opportunity to make representations to the Authority in response to its reasons for varying, suspending or revoking the permit or licence;

(d) taken into consideration any representations made by the holder pursuant to paragraph (c).

(7) For the avoidance of doubt, it is declared that any decision of the Authority to vary, suspend or revoke a waste handling permit or waste facility licence may be appealed to the Commission by the holder pursuant to section 81(5) of the Act.

(8) At any time when it is in force, the holder of a waste handling permit or waste facility licence may, by giving the Authority 20 working days prior notice in writing, surrender the permit or licence, and accordingly the Authority must cancel it by instrument in writing.

(9) On the cancellation of a waste handling permit or waste facility licence, the rights of the holder cease, but the cancellation does not affect any liability incurred by the holder before the cancellation and any legal proceedings that might have been commenced or continued against the holder may be commenced or continued against the holder, notwithstanding the cancellation of the permit or licence, as if it had not been cancelled.

PART IV
WASTE HANDLING AND DISPOSAL OPERATIONS

Transportation of hazardous wastes

18. (1) No person, other than a carrier duly authorised by the Licensing Authority under the Motor Vehicles and Road Traffic Act to transport hazardous wastes, must collect hazardous wastes from the premises of a generator and transport such waste to any other premises, whether for the purposes of delivering that waste to a licensed waste facility or for any other purpose.

(2) No vehicle or vessel, other than a vehicle or vessel which is designed, adapted or otherwise suited for the transportation of the specific type of hazardous wastes to be carried, must be used for the transportation of such hazardous wastes from one premises to another, whether by road or water, including the sea.

Hazardous Waste Manifest System

19. (1) When any hazardous waste is to be moved from the premises on which it is generated to any other place for storage, treatment or disposal, the generator must prepare a manifest to enable the movement of that hazardous waste to be tracked from the point of origin to the ultimate point of disposal, containing:

(a) the name, address and registration number of the generator;

(b) the name and address of any person to whom the hazardous waste is consigned for transportation;

(c) the name, address and waste handling permit number of any person to whom the hazardous waste is consigned for storage, treatment or disposal;

(d) particulars of the kind and quantity of hazardous wastes included in the consignment;

(e) particulars of the number and type of containers included in the consignment; and

(f) a statement, signed by the generator, certifying that:

(i) the consignment has been accurately described and is in a proper condition for transportation;

(ii) the generator has a waste minimization programme in operation on the premises from which the consignment originates that is designed to reduce the volume and

toxicity of hazardous wastes to the degree that the generator considers to be economically practicable; and

(iii) the treatment, storage or disposal method chosen by the generator is the most practicable method currently available to minimize risks to human health and the environment.

(2) Every time a consignment of hazardous waste is transferred from one person to another for the purposes of transportation, storage, treatment or disposal, the manifest must be signed by the person surrendering and the person accepting custody of the waste, and every such person must keep a copy of the manifest for their records.

(3) When the hazardous waste is delivered to the ultimate waste facility, the operator of that facility must return a signed and dated copy of the manifest to the generator of the hazardous wastes.

(4) If, within 45 days after the date on which the consignment of hazardous waste is collected from the premises of origin, a generator does not receive a signed and dated copy of the manifest from the operator of the ultimate waste facility, the generator must submit an exception report to the Authority, inclusive of a legible copy of the manifest and a signed covering letter from the generator, providing a description of the investigations carried out to locate the consignment of hazardous wastes and the findings of those investigations.

Storage of hazardous wastes

20. (1) In order to prevent the release of hazardous wastes or hazardous substances into the environment, secondary containment that complies with the requirements prescribed in this Rule must be provided for:

(a) any existing tank used to store or treat hazardous wastes; and

(b) any new tank system or component of such a system, before it is put into service.

(5) Secondary containment systems provided in accordance with sub-rule (1) must be:

(a) designed, installed and operated to prevent any migration of wastes or accumulation of liquids out of the system to the soil, surface or ground water, at any time during the use of the tank system;

(b) capable of detecting and collecting releases and accumulating liquids until the collected material is removed.

(6) To satisfy the requirements of sub-rule (2), secondary containment systems must at minimum be:

(a) constructed of or lined with material that is compatible with the waste to be placed in the tank system and has sufficient strength and thickness to prevent failure due to pressure gradients, including static head and external hydrological forces, physical contact with the wastes to which they are exposed, climatic conditions, the stress of installation and daily operations, including stress from nearby vehicular traffic;

(b) placed on a foundation or base capable of providing support to the secondary containment system and resistance to pressure gradients above ad below the system, capable of preventing failure due to settlement, compression or uplift;

(c) provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary or the secondary containment structure and the release of hazardous wastes or accumulated liquid in the secondary containment system within 24 hours or, if the existing detection technology or site conditions do not permit detection of a release within 24 hours, at the earliest practicable time;

(d) sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills or precipitation within 24 hours or, if the of the released wastes or accumulated precipitation cannot be completed within 24 hours, as soon as is necessary to prevent harm to human health or the environment.

(7) Secondary containment for tanks must include one or more of the following devices:

(a) an external liner system which is:

(i) designed or operated to contain 100% of the capacity of the largest tank within its boundary;

(ii) designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system, unless the collection system has sufficient excess capacity to contain run-on or infiltration;

(iii) free of cracks or gaps; and

(iv) designed and installed to completely surround the tank or tanks and to cover all surrounding earth likely to come into contact with the waste if released from the tank or tanks, by virtue of either the vertical or lateral migration of wastes;

(b) a vault system, which is:

(i) designed and operated to contain 100% of the capacity of the largest tank within its boundary;

(ii) designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system, unless the collection system has sufficient excess capacity to contain run-on or infiltration

(iii) provided with a means of protection against the formation and ignition of vapours within the vault;

(iv) provided with an exterior moisture barrier or otherwise designed or operated so as to prevent the migration of moisture into the vault, if the vault is subject to hydraulic pressure; or

(c) a double-walled tank system, which is:

(i) designed as an integral structure, inclusive of an inner tank within an outer shell, so that any release from the inner tank is contained by the outer shell;

(ii) protected, if constructed of metal, from both corrosion of the primary tank interior and the external surface of the outer shell; and

(iii) provided with a built-in continuous leak-detection system capable of detecting a release within 24 hours or at the earliest practicable time, if the existing lease-detection technology or site conditions will not allow detection of a release within 24 hours.

(8) Ancillary equipment must be provided with full secondary containment, such as trench, jacketing, double-walled piping, that meets the requirements of sub-rules (2) and (3), except for:

(a) above-ground pipes (exclusive of flanges, joints, valves and connections) that are visually inspected for leaks on a daily basis;

(b) welded flanges, joints and connections that are visually inspected for leaks on a daily basis;

(c) sealless or magnetic coupling pumps and sealless valves that are visually inspected on a daily basis; and

(d) pressurized above-ground pipe systems with automatic shut-off devices, such as excess flow check valves, flow metering shutdown devices and loss of pressure activated shut-off devices, that are visually inspected on a daily basis.

Landfill operations

21. (1) Every landfill must have a liner system covering the entire area of the landfill, comprised of:

(a) a liner designed, constructed and installed to prevent any passage of wastes into the liner during the active life of the facility and the migration of wastes out of the landfill to the adjacent land, surface water courses or bodies, subsurface soil or groundwater, at any time during the active life of the facility, including the after-care period, that is:

(i) constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydro-geologic forces) physical contact with the waste and leachate to which they are exposed, climatic conditions, the stresses of installation and daily operation;

(ii) placed on a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner sufficient to prevent failure of the liner due to settlement, compression or uplift;

(iii) installed to cover all the surrounding earth likely to be in contact with the waste or leachate; and

(b) a leachate collection and removal system immediately above the liner that is designed, constructed, maintained and operated to collect and remove leachate from the landfill, that is:

(i) constructed of materials that are:

a. chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

b. of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials and any equipment used during the operation of the landfill; and

(ii) designed and operated to function without clogging throughout the active life of the facility, including the after-care period.

(2) The Authority may exempt the operator of the facility from the requirements of sub-rule (1) if it finds, based on a demonstration by the holder of the waste facility licence, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into the ground water or surface water at any future time.

(3) In deciding whether to grant an exemption pursuant to sub-rule (2), the Authority must consider:

(a) the nature and quantity of the wastes to be disposed of at the landfill;

(b) the alternate proposals made by the applicant for a waste facility licence with respect to the design and operation of the landfill;

(c) the hydro-geologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and ground or surface water; and

(d) all other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground or surface water.

(4) At final closure of a landfill or upon the closure of any cell, the operator must cover the landfill or cell, as the case may be, with a final cover designed and constructed to:

(a) provide long-term minimization of migration of liquids through the closed landfill;

(b) function with minimal maintenance;

(c) promote drainage and minimize erosion or abrasion of the cover;

(d) accommodate settling and subsidence so that the cover's integrity is maintained; and

(e) have a permeability less than or equivalent to the permeability of any bottom liner system or natural subsoil present on the site.

(5) After final closure, the operator must comply with all after-care requirements of the Authority, including maintenance and monitoring throughout the after-care period as specified in the waste facility licence, including:

(a) maintaining the integrity and effectiveness of the final cover, inclusive of the undertaking of remedial works to the cap as necessary to remedy the effects of settling, subsidence, erosion or other events;

(b) continue to operate the leachate collection and removal system until leachate is no longer detected;

(c) maintain and monitor the leak detection system, and comply with all other leak detection system requirements;

(d) maintain and monitor the groundwater monitoring system and comply with all applicable requirements;

(e) prevent run-on and runoff from eroding or otherwise damaging the final cover; and

(f) protect and maintain surveyed benchmarks..

Incineration of wastes

22. (1) A waste incinerator must be operated in accordance with the operating requirements specified in the waste facility licence, as determined by the Authority on a case-by-case basis as being sufficient to comply with the prescribed performance standards.

(2) An incinerator burning hazardous waste must be designed, constructed and maintained so that, when operated in accordance with the specified operating requirements, it achieves a destruction and removal efficiency of 99.99% for each principal organic hazardous constituent designated in its waste facility licence with respect to its waste feed, as determined by the method set out in the Second Schedule.

(3) Each set of operating requirements must specify the waste feed, including acceptable variations in the physical and chemical properties of the waste feed that will not affect compliance with the required performance standards, and the operating limits for each waste feed with respect to the following:

(a) carbon monoxide (CO) level in the stack exhaust;

(b) waste feed rate;

(c) combustion temperature;

(d) an appropriate indicator of combustion gas velocity;

(e) allowable variations in incinerator system design or operating procedures; and

(f) such other operating requirements as are necessary to ensure that the performance standards are met.

(4) During start-up and shut-down of the incinerator, hazardous waste must not be fed into the incinerator, unless the incinerator is operating within the conditions of operation, including but not limited to temperature and waste feed rate, specified in the waste facility licence.

(5) Fugitive emissions from the combustion zone must be controlled by:

(a) keeping the combustion zone totally sealed against fugitive emissions;

(b) maintaining a combustion zone pressure lower than atmospheric pressure; or

(c) any alternative means of control demonstrated, at the time of application for a waste facility licence, to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

(6) An incinerator must be operated with a functioning system which automatically cuts off waste feed to the incinerator when operating conditions deviate from the limits specified in the waste facility licence, pursuant to sub-rule (1).

(7) An incinerator must cease operation when changes in waste feed, incinerator design or operating conditions exceed the limits specified in it waste facility licence.

(8) Upon the cessation of operations or closure of a waste incinerator, the operator must remove any hazardous waste and hazardous waste residues, including but not limited to ash, scrubber waste and scrubber sludge, from the premises.

(9) If, at any time during the period of operation of a waste incinerator or upon the cessation of operations, the operator cannot demonstrate that the residues removed from a waste incinerator are not hazardous wastes, as defined by Rule 3, the operator is deemed to be a generator of hazardous wastes for the purposes of these Rules.

Prohibited waste disposal operations

23. (1) The disposal within the waters of Trinidad and Tobago of solid waste or any ash or residue from the incineration of solid wastes is prohibited, except for the disposal with the prior written permission of the Authority of:

(a) derelict vehicles or waste tyres for the purpose of establishing any artificial reef or similar infrastructure for the enhancement of the marine environment;

(b) dredged material;

(c) fish waste or material resulting from industrial fish processing operations at sea;

(d) inert, inorganic, geological material; or

(e) organic material of natural origin..

(2) The burial or open burning of solid waste is prohibited, except for:

(a) the burial or burning of domestic waste in accordance with the House Refuse (Rural Districts) (Private Disposal) Bye-Laws, 1955; and

(b) the burning of debris from emergency clean-up operations, by the relevant authorities.

PART V
IMPORT, EXPORT AND TRANSIT OF WASTES

Basel Convention

24. The Authority is the Competent Authority of Trinidad and Tobago for the Basel Convention.

Exports of wastes

25. (1) The Authority must not permit exports of hazardous wastes or other wastes if such wastes can be:

(a) re-used or recycled locally in an environmentally sound manner; or

(b) disposed of locally in an environmentally sound manner.

(2) The export of hazardous or other wastes to any of the following places is prohibited:

(a) any point south of 60 degrees south latitude;

(b) any State which has imposed a ban on the import of such wastes and has so notified Trinidad and Tobago or the Secretariat of the Basel Convention;

(c) any State which cannot provide assurance as to its capacity to dispose of such wastes in an environmentally sound manner; and

(d) any State which is not a party to the Basel Convention, other than a State which is a party to a multilateral, regional or bilateral agreement, by which provisions not less environmentally sound than those provided for by the Basel Convention are made, and to which Trinidad and Tobago is a party.

(3) Where export is allowed under sub-rule (1), the Authority may permit the export of hazardous wastes or other wastes only after satisfying itself that the following conditions have been fulfilled:

(a) the exporter has made an application for permission to export such waste and has provided the Authority with the information requested in the prescribed notification form, as well as details on labelling in relation to the hazardous waste or other waste that the exporter proposes to export;

(b) an adequate contract exists between the exporter of such waste and the person accepting responsibility for the disposal of the waste, specifying environmentally sound management of the subject waste;

(c) the provisions made for packaging, labelling and transportation of such waste are in conformity with the recognized national and international rules, standards and practices; and

(d) the written consent of the competent authorities of the other States concerned have been received by the exporter in accordance with sub-rule (5).

(4) The export of hazardous wastes is subject to the following conditions:

(a) a manifest signed by the generator and carrier must accompany the subject consignment of hazardous wastes; and

(b) the carriage of the consignment of hazardous wastes must be covered by an adequate policy of public liability insurance, performance bond or other guarantee to the satisfaction of the Authority.

(5) The Authority must notify, or require the exporter to notify, the competent authorities of any State of transit and the State of import, in language acceptable to them, of the proposed trans-boundary movement of the hazardous wastes.

(6) A transit State is deemed to have consented to the transit of the waste if, having acknowledged receipt of a [notification] [request for consent] from the exporter, the competent authority in that State does not raise any objection to or impose any conditions with respect to the transit of the waste within 60 calendar days after receipt of the request for consent.

(7) If the trans-boundary movement of hazardous wastes or other wastes, to which the consent of the States concerned has been given, cannot be completed in accordance with the terms of the original contract, the Authority must require the exporter to take the wastes back, if alternative arrangements cannot be made for the disposal of the wastes in an environmentally sound manner within 90 calendar days from the time that the competent authority of the State of import so informed the Authority or the exporter and the Secretariat of the Basel Convention, or such other period of time as the parties concerned may agree.

(8) A permit for multiple exports of hazardous or other wastes may be granted, subject to the written consent of the States concerned, for a maximum period of one year, if:

(a) the consignments have the same physical and chemical characteristics;

(b) the consignments are shipped regularly to the same disposer via the same customs office in Trinidad and Tobago and the country of import respectively;

(c) in the case of transit, the consignments are shipped via the same customs office of entry and exit in the State or States of transit; and

(d) the countries concerned agree to the grant of such a permit.

Import of wastes

26. (1) Hazardous and other wastes may only be imported into Trinidad and Tobago with the written permission of the Authority.

(2) The Authority may consent to the import of hazardous or other wastes if the following conditions are met:

(a) the exporting State is a party to the Basel Convention or is a party to a bilateral, multilateral or regional agreement regarding the trans-boundary movement of hazardous or other wastes in accordance with Article 11 of the Basel Convention;

(b) it is not possible to dispose of the wastes within the territory of the exporting State in an environmentally sound and efficient manner or the wastes are required as raw material for recycling or recovery industries in Trinidad and Tobago, or the import is in accordance with an agreement which conforms with the requirements of Article 11 of the Basel Convention;

(c) a request which complies with the requirements of sub-rule [..] has been received for a transboundary movement, containing the information required by Annex V of the Basel Convention, and the Authority is satisfied with such information;

(d) the proposals for labelling, packaging and transportation of the wastes in the notification conform to recognized international rules, standards and practices;

(e) the specified approved site or facility is capable of managing and disposing of the wastes in an environmentally sound manner;

(f) the importer guarantees in the contract for the disposal of the wastes that the wastes will be managed in an environmentally sound manner;

(g) the importer is obliged to notify the exporter, the competent authority of the State of export and the Authority of the receipt of any hazardous wastes and, in due course, of the completion of the disposal as specified in the notification;

(h) an adequate binding contract exists between the exporter and the importer, specifying environmentally sound management of the consignment of wastes;

(i) the importer and the approved site or facility disposing of the wastes have valid permits and licences to handle and dispose of the categories of hazardous or other wastes to be imported;

(j) the generator, exporter, importer, disposer and carrier have adequate public liability insurance, or have posted a performance bond or other financial guarantee to the satisfaction of the Authority; and

(k) the importer or any agent acting on behalf of the importer is a resident of Trinidad and Tobago or, in the case of a body corporate, has a registered office in Trinidad and Tobago.

(3) A permit for multiple imports of hazardous or other wastes may be granted, subject to the written consent of the States concerned, for a maximum period of one year, if:

(e) the consignments have the same physical and chemical characteristics;

(f) the consignments are shipped regularly to the same disposer via the same customs office in Trinidad and Tobago and the country of import respectively;

(g) in the case of transit, the consignments are shipped via the same customs office of entry and exit in the State or States of transit;

(h) the countries concerned agree to the grant of such a permit.

(4) The Authority may, at any time after issuing written consent for the import of hazardous or other wastes, revoke the permit if it has reason to believe that the wastes will not be managed in an environmentally sound manner.

(5) The importer must notify the Authority upon receipt of each consignment of hazardous or other wastes of its details as specified in the notification document.

Transit of wastes

27. (1) The Authority must be notified of any proposed transboundary movement of hazardous or other wastes through Trinidad and Tobago or any marine area under its jurisdiction.

(2) The notification must include details of:

(a) the final destination of the wastes;

(b) a timetable specifying the expected dates of transit through Trinidad and Tobago or the marine area under its jurisdiction;

(c) proof that the exporter, the carrier, the disposer and the site or facility for disposal are authorized to carry out the operations in question in relation to such wastes;

(d) information detailing emergency procedures in the case of accidents;

(e) information on the quantum, type and conditions of the insurance carrier by the carrier.

(3) The notice must be in English and the emergency procedures must be acceptable to the Authority.

(4) The packaging and labelling of the wastes must conform to international standards.

(5) The transit of hazardous or other wastes through Trinidad and Tobago or any marine area under its jurisdiction, without the prior permission of the Authority, is prohibited.

(6) The Authority has the right to deny permission for the transit of hazardous or other wastes through Trinidad and Tobago and marine areas under its jurisdiction.

(7) The Authority must acknowledge receipt of any notification given under sub-rule (1) promptly, and in no case later than 10 working days after receipt of such notification.

(8) The Authority must make a decision whether to grant permission for the transit of hazardous or other wastes, which may include specific conditions relating to the transport of such wastes, within 60 calendar days of the receipt of notification given under sub-rule (1), and inform the exporter or the competent authority of the State of export as appropriate.

Illegal traffic

28. (1) Any transboundary movement of hazardous or other wastes is deemed to be illegal traffic, if carried out:

(a) without notification pursuant to Rule 27(1);

(b) without the consent of the Authority required by Rule 27(8);

(c) with consent that has been obtained through falsification of documents, misrepresentation or fraud;

(d) in a manner not in substantial conformity with the documentation required under these Rules and any other written law;

(e) in a manner that results in the deliberate disposal or dumping of hazardous or other wastes in contravention of the provisions of these Rules or any other written law.

(2) Illegal traffic of hazardous or other waste is an offence punishable on summary conviction by a fine of [500,000] dollars and 2 years imprisonment.

(3) In addition to any other authority exercising such powers under any other written law, the Authority may conduct regular or random inspections of sites, facilities, vessels and cargoes, and to seize any shipments of hazardous or other wastes that are the object of illegal traffic.

(4) In the case of an illegal transboundary shipment to another State as a result of conduct on the part of a generator or exporter in Trinidad and Tobago, the generator or exporter must take back the wastes in question, or the Authority may take the

wastes back and recover the costs of doing so from the generator or exporter as a civil debt in a court of competent jurisdiction.

(5) If in any case re-import of waste that has been illegally trafficked is impracticable, or the persons responsible for the illegal transboundary movement cannot be identified, the Authority and the competent authority of the other State concerned must ensure that the wastes are disposed of in an environmentally sound manner in accordance with the provisions of these Rules and any other relevant law.

(6) In the case of an illegal transboundary movement into Trinidad and Tobago as the result of conduct on the part of an importer or disposer, in addition to any penalty to which that person may be liable for the commission of an offence under these Rules or any other written law, the importer or disposer must ensure the environmentally sound management of any hazardous wastes or pay the costs of the environmentally sound disposal of such wastes, as estimated by the Authority.

PART VI
MISCELLANEOUS

Waste Management Register

29. (1) The Authority must establish a Waste Management Register, together with an alphabetical, sequential or geographical index, or more than one such index, thereto as is necessary or expedient to facilitate access to and the use of information on the Register.

(2) Subject to sub-rule (3), the Authority must enter in the Register the details and status of every:

(a) application for registration as a generator of hazardous wastes, including the information supplied under Rule 6(3) and any amendment made thereto pursuant to Rule 7(4);

(b) supplementary registration made under Rule 8;

(c) application for a permit or licence, including the information supplied under Rule ..;

(d) application for a transfer of a permit or licence;

(e) permit or licence, including the terms and conditions subject to which it was issued;

(f) transfer of a permits or licence approved by the Authority;

(g) refusal to issue a permit or licence, or grant a transfer thereof, including the reasons for refusal;

(h) Notice of Violation served on any person with respect to a violation of these Rules, including particulars of the alleged violation and the steps to be taken to remedy it;

(i) Consent Agreement by which a notice of violation is resolved;

(j) Administrative Order issued with respect to a violation of these Rules, including any particulars of the alleged violation, the steps to be taken by the person served with the Order and any proposed administrative civil assessment included in the Order; and

(k) appeal to the Environmental Commission against any decision made by the Authority in relation to the administration and enforcement of these Rules.

(3) The Authority must omit from the Register any information which the applicant claims under Rule 30 should be treated as a trade secret or confidential business information, if:

(a) the Authority does not contest the claim; or

(b) the Authority rejects the claim, but the claim is upheld on appeal pursuant to Rule 30(3).

(4) The Authority may maintain the Register and any index to the Register in such form as it thinks fit, including an electronic data storage and retrieval system.

(5) Every entry in the Register must be made within 10 working days of the date on which the decision, notice or event to which it relates was made, filed, issued or done.

(6) The Authority must keep the Register open to inspection by the public at its office during ordinary business hours, on payment of the prescribed search fee, if any, and must provide members of the public with copies of entries in the register on payment of the cost of making copies.

Trade secrets and confidential business information

30. (1) The applicant may, in any application for registration or for a permit or licence, made under these Rules, assert a claim that any of the information to be supplied to the Authority is a trade secret or confidential business information, and request that such information be omitted from the register.

(2) The Authority may reject the claim made by the applicant under sub-rule (1) for the reason that:

(a) the applicant has not disclosed the basis for the claim;

(b) the basis disclosed is invalid; or

(c) the public interest in disclosing the information clearly out-weighs any prejudice to the applicant.

(3) The rejection by the Authority of a claim made by an applicant under sub-rule (1) is subject to appeal to the Environmental Commission.

FIRST SCHEDULE

HAZARDOUS WASTES

Interpretation

In this Schedule:

"Annex 1 categories" means wastes derived from the waste streams listed in the first part of Annex 1 to this Schedule;

"Annex 1 constituents" means the substances listed in the second part of Annex 1 to this Schedule;

"outdated" means unused within the period recommended by the manufacturer;

"industry specifications" means ....

Part A

Hazardous Wastes

Wastes contained in this Part are designated as hazardous wastes, but their designation as hazardous in this Part does not preclude reference in specific cases to Part C to demonstrate that a particular waste is not hazardous.

A1 Metal and metal-bearing wastes

A1010 Metal wastes and waste consisting of alloys of any of the following (excluding wastes specified in Part B):
- Antimony
- Arsenic

- Beryllium
- Cadmium
- Lead
- Mercury
- Selenium
- Tellurium
- Thallium

A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:
- Antimony; antimony compounds
- Beryllium; beryllium compounds
- Cadmium; cadmium compounds
- Lead; lead compounds
- Selenium; selenium compounds
- Tellurium; tellurium compounds

A1030 Wastes having as constituents or contaminants any of the following:
- Arsenic; arsenic compounds
- Mercury; mercury compounds
- Thallium; thallium compounds

A1040 Wastes having as constituents any of the following:
- Metal carbonyls
- Hexavalent chromium compounds

A1050 Galvanic sludges

A1060 Waste liquors from the pickling of metals

A1070 Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.

A1080 Waste zinc residues not included in Part B, containing lead and cadmium in concentrations sufficient to exhibit characteristics listed in Part C.

A1090 Ashes from the incineration of insulated copper wire

A1100 Dusts and residues from gas cleaning systems of copper smelters

A1110 Spent electrolytic solutions from copper electro-refining and electro-winning operations

A1120 Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electro-refining and electro-winning operations

A1130 Spent etching solutions containing dissolved copper

A1140 Waste cupric chloride and copper cyanide catalysts

A1150 Precious metal ash from incineration of printed circuit boards not included in Part B (note that mirror entry in Part B, B1160, does not specify exceptions)

A1160 Waste lead-acid batteries, whole or crushed

A1170 Unsorted waste batteries excluding mixtures of only Part B batteries. Waste batteries not specified in Part B containing Annex 1 constituents to an extent to render them hazardous.

A1180 Waste electrical and electronic assemblies or scrap (not including scrap assemblies from electric power generation) containing components such as accumulators and other batteries included in Part A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex 1 constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics listed in Part C (note the related entry in Part B, B1110)

A2 Wastes containing principally inorganic constituents, which may contain metals and organic materials

A2010 Glass waste from cathode-ray tubes and other activated glasses

A2020 Waste inorganic fluorine compounds in the form of liquids or sludges, but excluding such wastes specified in Part B

A2030 Waste catalysts but excluding such wastes specified in Part B

A2040 Waste gypsum arising from chemical industry processes, when containing Annex 1 constituents to the extent that it exhibits a hazardous characteristic listed in Part C (note the related entry in Part B, B2080)

A2050 Waste asbestos (dusts and fibres)

A2060 Coal-fired power plant fly-ash containing Annex 1 constituents in concentrations sufficient to exhibit Part C characteristics (note the related entry in Part B, B2050)

A3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

A3010 Waste from the production or processing of petroleum coke and bitumen

A3020	Waste mineral oils unfit for their originally intended use
A3030	Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges
A3040	Waste thermal (heat transfer) fluids
A3050	Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified in Part B (note the related entry in Part B, B4020)
A3060	Waste nitrocellulose
A3070	Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges
A3080	Waste ethers not including those specified in Part B
A3090	Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry in Part B, B3100)
A3100	Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry in Part B, B3090)
A3110	Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry in Part B, B3110)
A3120	Fluff - light fraction from shredding
A3130	Waste organic phosphorous compounds
A3140	Waste non-halogenated organic solvents but excluding such wastes specified in Part B
A3150	Waste halogenated organic solvents
A3160	Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
A3170	Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
A3180	Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT),

polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more

A3190 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolitic treatment of organic materials

A4 **<u>Wastes which may contain either inorganic or organic constituents</u>**

A4010 Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified in Part B

A4020 Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects

A4030 Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated or unfit for their originally intended use

A4040 Wastes from the manufacture, formulation and use of wood-preserving chemicals (not including wood treated with wood preserving chemicals)

A4050 Wastes that contain, consist of or are contaminated with any of the following:
- Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides
- Organic cyanides

A4060 Waste oils/water, hydrocarbons/water mixtures, emulsions

A4070 Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified in Part B (note the related entry in Part B, B4010)

A4080 Wastes of an explosive nature (but excluding such wastes specified in Part B)

A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry in Section B (note the related entry in Part B, B2120)

A4100 Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified in Part B

A4110 Wastes that contain, consist of or are contaminated with any of the following:
- Any congenor of polychlorinated dibenzo-furan
- Any congenor of polychlorinated dibenzo-dioxin

A4120 Wastes that contain, consist of or are contaminated with peroxides

A4130 Waste packages and containers containing Annex 1 constituents in concentrations sufficient to exhibit Part C hazard characteristics

A4140 Waste consisting of or containing off specification or outdated chemicals corresponding to Annex 1 categories and exhibiting Part C hazard characteristics

A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known

A4160 Spent activated carbon not included in Section B (note the related entry in Part B, B2060)

Part B

Wastes Not Ordinarily Hazardous

Wastes contained in this Part are not designated as hazardous wastes, unless they exhibit a hazardous characteristic listed in Part C.

B1 Metal and metal-bearing wastes

B1010 Metal and metal-alloy wastes in metallic, non-dispersible form:

- Precious metals (gold, silver, the platinum group, but not mercury)
- Iron and steel scrap
- Copper scrap
- Nickel scrap
- Aluminium scrap
- Zinc scrap
- Tin scrap
- Tungsten scrap
- Molybdenum scrap
- Tantalum scrap
- Magnesium scrap
- Cobalt scrap
- Bismuth scrap
- Titanium scrap
- Zirconium scrap
- Manganese scrap
- Germanium scrap
- Vanadium scrap
- Scrap of hafnium, indium, niobium, rhenium and gallium

- Thorium scrap
- Rare earths scrap

B1020 Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc), of:
- Antimony scrap
- Beryllium scrap
- Cadmium scrap
- Lead scrap (but excluding lead-acid batteries)
- Selenium scrap
- Tellurium scrap

B1030 Refractory metals containing residues

B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous

B1050 Mixed non-ferrous metal, heavy fraction scrap, not containing Annex 1 constituents in concentrations sufficient to exhibit Part C characteristics

B1060 Waste selenium and tellurium in metallic elemental form including powder

B1070 Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Part C characteristics

B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex 1 constituents in concentration such as to exhibit Part C characteristics

B1090 Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury

B1100 Metal-bearing wastes arising from melting, smelting and refining of metals:
- Hard zinc spelter
- Zinc-containing drosses:
    - Galvanizing slab zinc top dross (>90% Zn)
    - Galvanizing slab zinc bottom dross (>92% Zn)
    - Zinc die casting dross (>85% Zn)
    - Hot dip galvanizers slab zinc dross (batch)(>92% Zn)
    - Zinc skimmings
- Aluminium skimmings (or skims) excluding salt slag
- Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extend that they exhibit Part C hazard characteristics
- Wastes of refractory linings, including crucibles, originating from copper smelting

- Slags from precious metals processing for further refining
- Tantalum-bearing tin slags with less than 0.5% tin

B1110 Electrical and electronic assemblies:

- Electronic assemblies consisting only of metals or alloys
- Waste electrical and electronic assemblies or scrap (including printed circuit boards, but not including scrap from electrical power generation) not containing components such as accumulators and other batteries included in Part A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Part C (note the related entry in Section A A1180)
- Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse (including repair, refurbishment or upgrading, but not major reassembly), and not for recycling or final disposal

B1120 Spent catalysts excluding liquids used as catalysts, containing any of:

Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) in Part A:

Scandium
Vanadium
Manganese
Cobalt
Copper
Yttrium
Niobium
Hafnium
Tungsten
Titanium
Chromium
Iron
Nickel
Zinc
Zirconium
Molybdenum
Tantalum
Rhenium

Lanthanides (rare earth metals):

Lanthanum
Praseodymium

Samarium
Gadolinium
Dysprosium
Erbium
Ytterbium
Cerium
Neody
Europium
Terbium
Holmium
Thulium
Lutetium

B1130 Cleaned spent precious-metal-bearing catalysts

B1140 Precious-metal-bearing residues in solid form, which contain traces of inorganic cyanides

B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labelling

B1160 Precious-metal ash from the incineration of printed circuit boards (note the related entry in Part A, A1150)

B1170 Precious-metal ash from the incineration of photographic film

B1180 Waste photographic film containing silver halides and metallic silver

B1190 Waste photographic paper containing silver halides and metallic silver

B1200 Granulated slag arising from the manufacture of iron and steel

B1210 Slag arising from the manufacture of iron and steel including slags as a source of TiO_2 and vanadium

B1220 Slag from zinc production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications mainly for construction

B1230 Mill scaling arising from the manufacture of iron and steel

B1240 Copper oxide mill-scale

B2 **Wastes containing principally inorganic constituents, which may contain metals and organic materials**

B2010 Wastes from mining operations in non-dispersible form:
- Natural graphite waste
- Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
- Mica waste
- Leucite, nepheline and nepheline syenite waste
- Feldspar waste
- Fluorspar waste
- Silica wastes in solid form excluding those used in foundry operations

B2020 Glass waste in non-dispersible form:
- Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses

B2030 Ceramic wastes in non-dispersible form:
- Cermet wastes and scrap (metal ceramic composites)
- Ceramic based fibres not elsewhere specified or included

B2040 Other wastes containing principally inorganic constituents:
- Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)
- Waste gypsum wallboard or plasterboard arising from the demolition of buildings
- Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications mainly for construction and abrasive applications
- Sulphur in solid form
- Limestone from the production of calcium cyanamide (having a pH less than 9)
- Sodium, potassium, calcium chlorides
- Carborundum (silicon carbide)
- Broken concrete
- Lithium-tantalum and lithium-niobium containing glass scraps

B2050 Coal-fired power plant fly-ash, not included in Section A (note the related entry in Part A, A2060)

B2060 Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry in Part A, A4160)

B2070 Calcium fluoride sludge

B2080 Waste gypsum arising from chemical industry processes not included in Part A (note the related entry in Part A, A2040)

B2090 Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)

B2100 Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes

B2110 Bauxite residue ("red mud") (pH moderated to less than 11.5)

B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry in Section A A4090)

B3 <u>Wastes containing principally organic constituents, which may contain metals and inorganic materials</u>

B3010 Solid plastic waste:
The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:

• Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following:

- ethylene
- styrene
- polypropylene
- polyethylene terephthalate
- acrylonitrile
- butadiene
- polyacetals
- polyamides
- polybutylene terephthalate
- polycarbonates
- polyethers
- polyphenylene sulphides
- acrylic polymers
- alkanes C10-C13 (plasticiser)
- polyurethane (not containing CFCs)
- polysiloxanes
- polymethyl methacrylate
- polyvinyl alcohol
- polyvinyl butyral

- polyvinyl acetate

• Cured waste resins or condensation products including the following:
- urea formaldehyde resins
- phenol formaldehyde resins
- melamine formaldehyde resins
- epoxy resins
- alkyd resins
- polyamides

• The following fluorinated polymer wastes (excluding post-consumer wastes)
- perfluoroethylene/propylene (FEP)
- perfluoroalkoxy alkane (PFA)
- perfluoroalkoxy alkane (MFA)
- polyvinylfluoride (PVF)
- polyvinylidenefluoride (PVDF)

B3020 Paper, paperboard and paper product wastes the following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:
• unbleached paper or paperboard or of corrugated paper or paperboard
• other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
• paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
• other, including but not limited to 1) laminated paperboard 2) unsorted scrap.

B3030 Textile wastes
The following materials, provided they are not mixed with other wastes and are prepared to a specification:

• Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
  - not carded or combed
  - other
• Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
  - noils of wool or of fine animal hair
  - other waste of wool or of fine animal hair
  - waste of coarse animal hair
• Cotton waste (including yarn waste and garnetted stock)
  - yarn waste (including thread waste)

- garnetted stock
- other

• Flax tow and waste
• Tow and waste (including yarn waste and garnetted stock) of true hemp (Cannabis sativa L.)
• Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
• Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus Agave
• Tow, noils and waste (including yarn waste and garnetted stock) of coconut
• Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or Musa textilis Nee)
• Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included

• Waste (including noils, yarn waste and garnetted stock) of man-made fibres
  - of synthetic fibres
  - of artificial fibres
• Worn clothing and other worn textile articles
• Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
  - sorted
  - other

B3040 Rubber wastes

The following materials, provided they are not mixed with other wastes:

• Waste and scrap of hard rubber (e.g., ebonite)
• Other rubber wastes (excluding such wastes specified elsewhere)

B3050 Untreated cork and wood waste:

• Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
• Cork waste: crushed, granulated or ground cork

B3060 Wastes arising from agro-food industries provided it is not infectious:

• Wine lees
• Dried and sterilized vegetable waste, residues and byproducts, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
• Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes
• Waste of bones and horn-cores, unworked, defatted, simply

prepared (but not cut to shape), treated with acid or degelatinised
- Fish waste
- Cocoa shells, husks, skins and other cocoa waste
- Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

B3070 The following wastes:
- Waste of human hair
- Waste straw
- Deactivated fungus mycelium from penicillin production to be used as animal feed

B3080 Waste parings and scrap of rubber

B3090 Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry in Section A A3100)

B3100 Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry in Section A A3090)

B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry in Section A A3110)

B3120 Wastes consisting of food dyes

B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides

B3140 Waste pneumatic tyres

B4 **Wastes which may contain either inorganic or organic constituents**

B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry in Part A, A4070)

B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed in Section A, free of solvents and other contaminants to an extent that they do not exhibit Section C characteristics, e.g., water-based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry in Part A, A3050)

B4030 Used single-use cameras, with batteries not included in Part A.

Part C

List of Hazardous Characteristics

Code	Characteristics
H1	**Explosive** An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such speed as to cause damage to the surroundings.
H3	**Flammable liquids** The word "flammable" has the same meaning as "inflammable." Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same tests are often variable, regulations varying from the above figures to make allowances for such differences would be within the spirit of this definition).
H4.1	**Flammable solids** Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
H4.2	**Substances or wastes liable to spontaneous combustion** Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
H4.3	**Substances or wastes which, in contact with water emit flammable gases** Substances or wastes, which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

H5.1	**Oxidizing** Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
H5.2	**Organic Peroxides** Organic substances or wastes which contain the bivalent –O-O- structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
H6.1	**Poisonous (Acute)** Substances or wastes liable either to cause death or serious injury or to harm health if swallowed or inhaled or by skin contact. Is characterized by the TCLP test.
H6.2	**Infectious substances** Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.
H8	**Corrosives** Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
H10	**Liberation of toxic gases in contact with air or water** Substances or wastes, which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
H11	**Toxic (Delayed or chronic)** Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
H12	**Ecotoxic** Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.

H13	Capable, by any means, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above.

ANNEX 1

Categories of Wastes to be Controlled

List of Waste Streams

1. Clinical wastes from medical care in hospitals, medical centres and clinics
2. Wastes from the production and preparation of pharmaceutical products
3. Wastes from pharmaceuticals, drugs and medicines
4. Wastes from the production, formulation and use of biocides and phyto-pharmaceuticals
5. Wastes from the manufacture of, formulation and use of wood preserving chemicals
6. Wastes from the production, formulation and use of organic solvents
7. Wastes from heat treatment and tempering operations containing cyanides
8. Waste mineral oils, unfit for their originally intended use
9. Waste oils/water, hydrocarbon/water mixtures, emulsions
10. Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) znd/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
11. Waste tarry residues arising from refining, distillation, and any pyrolytic treatment
12. Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
13. Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
14. Wastes chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
15. Wastes of an explosive nature not subject to other legislation
16. Wastes from production, formulation and use of photographic chemicals and processing materials
17. Wastes resulting from surface treatment of metals and plastics
18. Residues resulting from industrial waste disposal operations

List of Constituents

19. Metal carbonyls
20. Beryllium ; beryllium compounds
21. Hexavalent chromium compounds
22. Copper compounds
23. Zinc compounds
24. Arsenic; arsenic compounds

25. Selenium; selenium compounds
26. Cadmium; cadmium compounds
27. Antimony; antimony compounds
28. Tellurium; tellurium compounds
29. Mercury; mercury compounds
30. Thallium; thallium compounds
31. Lead; lead compounds
32. Inorganic fluoride compounds excluding calcium fluoride
33. Inorganic cyanides
34. Acidic solutions or acids in solid form
35. Basic solutions or bases in solid form
36. Asbestos (dust and fibres)
37. Organic phosphorous compounds
38. Organic cyanides
39. Phenols; phenol compounds including chlorophenols
40. Ethers
41. Halogenated organic solvents
42. Organic solvents excluding halogenated solvents
43. Any congenor of polychlorinated dibenzo-furan
44. Any congenor of polychlorinated dibenzo-p-dioxin
45. Organohalogen compounds other than substances referred to in this Annex

SECOND SCHEDULE

DETERMINATION OF INCINERATOR EFFICIENCY

The destruction and removal efficiency (DRE) of an incinerator burning hazardous waste is determined for each principal organic hazardous constituent (POHC) from the following equation:

$$DRE = \frac{(W_{in} - W_{out})}{W_{in}} \times 100$$

Where:

W_{in} = mass feed rate of one POHC in the waste stream feeding the incinerator; and

W_{out} = mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere